



State of Connecticut
GENERAL ASSEMBLY



Commission on Children

Judicial Committee
Public Hearing
March 4, 2009

*Exhibit in Ctn file
for 6386
"The Social State of CT
2008"*

Senator McDonald, Representative Lawlor and members of the Committee. My name is Elizabeth C. Brown and I am here to testify against several bills that would delay the implementation of Raise the Age – the policy to include 16 and 17 year old youth in the Juvenile Justice System instead of the adult criminal system. Overall the bills attempt to base the delay on cost and burden to the municipalities, courts, and the Department of Children and Families. The Commission urges the Committee to review the bills before you with a lens of “is it good for our youth”. We believe the answer would be no.

Committee Bill 674, An Act Concerning Local Expenditures Related to the Change in the Age of Juvenile Court Jurisdiction.

The bill assumes that local police jurisdictions need to invest in new facilities to accommodate the changes. There is no evidence that this is the case. We suggest language to be included that would allow local jurisdiction to identify alternative facility accommodations that would serve the same function. This is done in the child care facility licensing arena where state statute allows the facility to seek a waiver of the requirement and offer an alternative. This allows for achieving the spirit of the law without the restrictions and literal interpretation.

Governor's Bill, 6386, An Act Delaying Implementation of Legislation Raising the Age of Juvenile Jurisdiction.

The bill seeks to delay implementation of the Raise the Age legislation.

For the past several years, Connecticut has seen a serious debate about the process of dealing with young people who get into trouble with the law. This debate is taking place in the context of the overall decline in arrests of young people both for all crimes and for violent crimes, including children fewer than 16 and in the larger under 18 age group. The number of young people in the Connecticut Juvenile Training School and in the State's correctional facilities also has declined. Alternatively, referrals to juvenile court and total detention admissions have both increased during the past decade.¹

Raise the Age legislation recognized that the social, emotional and cognitive development of youth ages 16 and 17 years old is distinct from adults. CT, NY and NC are the only states in the nation that treat 16 and 17 year olds as adults in the criminal justice system. Research indicates

¹ Social State of Connecticut, 2005 (released February '06)

that holding minors responsible for adult crimes only presumes that "they have a level of moral judgment and rational reasoning they simply do not yet have."²

We have won the debate on principle. Now we need to win the battle over cost. Overarching discussions centered on the funds to make this transition. Calculations were based on the question, what would it take to duplicate the current juvenile system to deal with 16 and 17 year olds. The figure, including almost \$50 million for new facilities, reached a high of \$80 million dollars to accomplish this transition. Given the small numbers of youth in this age group, in 1997, there were 977 young people under age 19 in prison, and in 2005, 728 individuals under the age of 19 serving sentences in correctional facilities, a decline of 25%, the price tag seems way out of line. Putting such a high price tag on the issue has been a major stumbling block to winning passage of this needed reform.

Deliberation on this issue should be centered on recent efforts to reform the current juvenile justice system. The Report, Reform of DCF Juvenile Services: Helping Children and Families Close to Home, presents a different cost model. It moves away from costly incarceration and residential treatment to more prevention and early intervention community based services. Seen in this context, the goal is to reduced the number of juveniles in the overall system, and provide more comprehensive services to youth up to age 18 years of age. Raise the Age should be viewed as part of a continuum of reforms to better serve youth. Investment in community capacity with the establishment of Family Support Centers to serve Family with Service Needs and investment in expanding local Juvenile Review Boards are part of the reform efforts.

New Policy Direction for Juvenile Justice

Reform of the Juvenile Justice system and the inclusion of 16 and 17 year olds must be seen through the same lens. Juvenile justice policy must be outcome driven. Not only held accountable for reducing the number of youth in the system, but held accountable for positive youth development outcomes including academic achievement; social, emotional health, and job skills that lead to meaningful employment. It must be developed with a deep understanding of the profile of the youth currently involved with the system. The profile includes:

1. Profile of Youth Involved in the Juvenile Justice System

- **High School Dropouts:** 47% of the youth in the Connecticut Juvenile Training School require special education, especially in the area of reading
- **Behavioral Problems in School:** Nearly 30,000 high school students were expelled or suspended-more than two-thirds for fighting or intimidation.
- **Expulsions/Suspensions-**schools have referred more than 3,000 students to juvenile court for truancy or defiance of school rules in academic year 2003-2004
- **Youth Suicide-** there were three suicides by children in the care of the Department of Children and Families during the summer of 2004 and two suicides at Manson Youth Institution between 2004 and 2005.

² Dan Brock, Children's Competence for Health Care decision-making in Children and Health Care: Moral and Social Issues.

- **Substance Abuse**-within the juvenile justice system more than 40% had histories of alcohol or drug abuse.
- **Family Violence**- the problem of stressful or abusive family relationships arises frequently in the evaluation of court-involved young people. Most recent data available is for 2001 in which more than 20,000 cases of family violence were reported to the police.
- **Child Poverty**- children in poverty are at higher risk for having health, mental health, and learning difficulties go unattended therefore causing long term problems.
- **Racial Disparities**- Studies in 1995, 2001 and most recently 2003 show an ongoing, systemic problem of minority youth in the juvenile system.³

The Commission urges this Committee to vote for our Youth and vote no on delaying implementation of Raise the Age. Let's move forward with a comprehensive approach to juvenile justice in Connecticut to address the persistent, systematic problems that leave so many youth in Connecticut with little hope for a successful future.

Thank you for your consideration of this important issue.

³ Social State of CT, 2005